

Notice of Allowability

Application No.

10/770,735

Examiner

Justin R. Fischer

Applicant(s)

BLACKMORE ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 June 2006.
2. ☒ The allowed claim(s) is/are 1,3-9,19,21-23,26, and 38 (renumbered 1-14).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification:

Page 1, Line 8: the word "pending" is deleted.

Page 1, Line 9: the language --filed April 28, 2003-- is added after the number "10/182889".

Page 1, Line 9: the language --,now U.S. Patent Number 7,073,563-- is added after the phrase "Conduits".

Page 1, Lines 9 and 10: the language "and filed February 2, 2001." is deleted.

Page 1, Line 9: the language --,which is a U.S. National filing under §371 of International Application No. PCT/US01/03498, filed February 2, 2001.-- is added after the number "7,073,563".

Page 4, Line 22: the phrase "5A and 5C" is deleted and replaced with --5A-5E--.

Page 4, Line 27: the phrase "10, 10A, and 10B" is deleted and replaced with --10 and 10A--.

Allowable Subject Matter

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2. Claims 1, 3-9, 19, 21-23, 26, and 38 (renumbered 1-14) are allowed. The following is an examiner's statement of reasons for allowance:

As set forth in the previous communication, Kamiyama is seen to constitute the closest prior art of record- Kamiyama discloses a method in which a pair of liners is applied to a pair of existing pipes and a "chemical reactant" or grout is injected into the ground from the ground surface, it being well recognized that pipe liners are commonly installed using inflatable and heatable bladders. However, the method of Kamiyama comprises applying said liners and subsequently injecting a reaction product using a specific method using a grouting liner. Thus, the reference fails to suggest a method in which heat radiated through the pipe thickness creates a reaction product from the injected chemical reactant. It is further noted that the reference specifically describes the grout as being cured or forming a reaction product via contact with water. As such, one of ordinary skill in the art at the time of the invention would not have found it obvious to practice the method of the claimed invention.

As to claim 38, the "chemical reactant" or grout of Kamiyama is injected through a mechanism inserted from the ground surface and positioned **inside of the pipe**, which is in direct contrast to the method of the claimed invention in which the mechanism is positioned **outside of the pipe**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

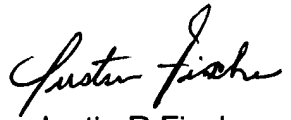
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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Justin R Fischer
Primary Examiner
Art Unit 1733

JRF

June 22, 2006